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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,352	01/18/2002	Timothy W. Rawlings	9059.00	9275

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,352	Applicant(s) RAWLINGS, TIMOTHY W.	
	Examiner Patricia L. Nordmeyer	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Repeated Rejections

1. The 35 U.S.C. 103 rejection of claims 1 – 3, 5, 6, 9, 10 and 17 – 19 over Tataryan et al. is repeated for the reasons of record in the office action dated January 28, 2004 as the arguments presented by the applicant in the paper dated November 14, 2005 are unpersuasive.
2. The 35 U.S.C. 103 rejection of claims 4, 7, 8, 11 – 16 and 22 – 29 over Tataryan et al. in view of Popat et al. and Black is repeated for the reasons of record in the office action dated August 12, 2005 as the arguments presented by the applicant in the paper dated November 14, 2005 are unpersuasive.

With regard to the amendment of claim 22 to include the fold line accepting print, Popat et al. teaches the surface of the sheet being free of apertures or indentations which could interfere with the feeding of the sheet into a laser printer, ink jet printer or photocopier (Column 6, lines 55 – 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to that the paper stock containing the fold line would accept print over the whole surface.

Response to Arguments

3. Applicant's arguments filed November 14, 2005 with regard to the 35 U.S.C. 103 rejection of claims 1 – 3, 5, 6, 9, 10 and 17 – 19 over Tataryan et al. have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's argument that there is no indication that microperforations are considered suitable cuts or perforations for the fold lines of the sheets provided by Tataryan et al., Tataryan et al. clearly discloses that microperforations having a widths between 1/8 inch to less than 0.01 inch, which requires less than 1 to 2 kilograms of force for separation (Column 2, lines 23 – 35) that were made in a variety of materials including card stock (Column 2, lines 60 – 63) that allowed the microperforations to be formed while needing a greater amount of force to cause separation (Column2, lines 64 – 67).

4. Applicant's arguments filed November 14, 2005 with regard to the 35 U.S.C. 103 rejection of claims 4, 7, 8, 11 – 16 and 22 – 29 over Tataryan et al. in view of Popat et al. and Black have been fully considered but they are not persuasive.

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In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's argument that Popat et al. fails to disclose the microperforations being provided in a fold line and that the fold lines of Popat et al. do not provide for folding of the complete printable substrate before or after printing without separation along the fold line, Popat clearly discloses microperforations being provided in a fold line (Column 2, lines 51 – 55; Figure 3, #48) and provide for folding of the complete printable substrate before or after printing without separation along the fold line (Column 15, lines 54 – 61).

In response to Applicant's argument that there is no hint the non-perforated sections can comprises over 40% of the fold line, Popat et al discloses the use of a sheet having a width of 8.5 inches (Column 9, line 60), where the size of the perforations vary in size from 0.0095 to 0.0105 inches and ties vary in size from 0.0045 to 0.0055 inches (Column 8, lines 45 – 48). Therefore, if the perforation has a size of 0.0095 inch and the tie has a size of 0.0045, the ratio of the tie size to the perforation size is 0.47, which is greater than 40%.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

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pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

1/3/06